

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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In re REFCO, INC. SECURITIES LITIGATION	:	07 MDL 1902 (JSR)
	:	
	:	ECF CASE
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This Document Relates to:

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KENNETH M. KRYIS, et al.,	:	
	:	08 Civ. 3086 (JSR)
Plaintiffs,	:	08 Civ. 3065 (JSR)
	:	
-against-	:	
	:	
CHRISTOPHER SUGRUE; et al.,	:	
	:	
Defendants.	:	

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	:	
KENNETH M. KRYIS, et al.,	:	
	:	08 Civ. 7416 (JSR)
Plaintiffs,	:	
	:	
-against-	:	
	:	
ROBERT AARON, et al.,	:	
	:	
Defendants.	:	

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	:	
KENNETH M. KRYIS, et al.,	:	
	:	10 Civ. 3594 (JSR)
Plaintiffs,	:	
	:	
-against-	:	
	:	
DEUTSCHE BANK SECURITIES INC., et al.,	:	
	:	
Defendants.	:	

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KENNETH M. KRYIS, et al.,	:	
	:	11 Civ. 1486 (JSR)
Plaintiffs,	:	
	:	
-against-	:	
	:	
SCHULTE ROTH & ZABEL, LLP,	:	
	:	
Defendant.	:	
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~~[PROPOSED]~~ ORDER

WHEREAS, Plaintiffs (the “Krys Plaintiffs”) in the above-captioned actions (the “Krys Actions”) have commenced an arbitration (the “Arbitration”) against Gibson, Dunn & Crutcher LLP (“Gibson Dunn”), Scott A. Kislin and Mitchell A. Karlan (together, the “Gibson Dunn Parties”), who are not parties to any of the Krys Actions, asserting claims relating to the SPhinX Funds, PlusFunds Group, Inc., and the collapse of Refco;

WHEREAS, documents produced by parties in the Krys Actions, some of which constitute Confidential Discovery Material, may be relevant to claims and defenses in the Arbitration, and the parties to the Arbitration wish to avoid serving redundant requests for such documents in connection with the Arbitration;

WHEREAS, the Protective Order of December 15, 2009 (Document 511 in 1:07-md-01902) limits disclosure and use of Confidential Discovery Material produced in the Refco MDL to the Refco MDL (*see* Protective Order ¶¶ 1, 5);

WHEREAS, therefore, the Gibson Dunn Parties have sought the consent of all parties to the Krys Actions to permit them to access the documents produced to Gibson Dunn, as counsel for Mark Kavanagh and Brian Owens in *Krys v. Sugrue*, 08 Civ. 3086 (JSR) and 08 Civ. 3065 (JSR), and to use those documents in the Arbitration;

WHEREAS, the Krys Plaintiffs have expressly provided such consent;

WHEREAS none of the defendants in the Krys Actions other than PricewaterhouseCoopers LLC and Mari Ferris (the “PwC Defendants”) and Thomas H. Lee Partners, L.P., its affiliates named as defendants, Thomas H. Lee, David V. Harkins, Scott L. Jaeckel, and Scott A. Schoen (the “THL Defendants”) have expressed any objections or reservations concerning the Gibson Dunn Parties’ request for consent, and all other defendants in the Krys Actions, by not expressing any objections or reservations, are deemed to have provided their consent;

WHEREAS, to moot the objections of the PwC Defendants and the THL Defendants, the Gibson Dunn Parties and the Krys Plaintiffs do not, at the present time, intend to access any documents produced by the PwC Defendants or the THL Defendants for use in the Arbitration;

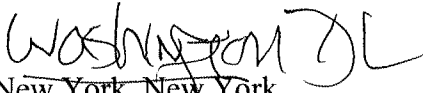
NOW, THEREFORE, **IT IS HEREBY ORDERED** that:

1. Notwithstanding any provisions to the contrary in the Protective Order of December 15, 2009, the Gibson Dunn Parties and the Krys Plaintiffs shall be permitted to access and use any documents produced by any party in the Krys Actions, including documents constituting or containing Confidential Discovery Material, in the Arbitration, except for documents produced by the PwC Defendants and the THL Defendants, and

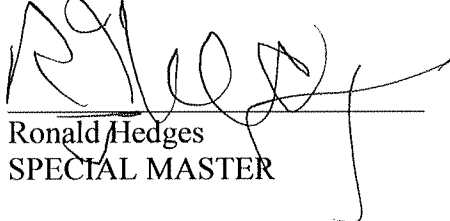
2. Counsel for the Gibson Dunn Parties at Gregory P. Joseph Law Offices LLC may have access to, and use, any documents, including documents constituting or containing

Confidential Discovery Material, that are presented to witnesses in the course of the depositions they are defending in the Krys Actions, specifically including the depositions of Scott A. Kislin, Mitchell A. Karlan, Bruce Bolander and M. Natasha Labovitz. Any other counsel representing those witnesses or any other Gibson Dunn witnesses in connection with their depositions also may have access to, and use, any documents that are presented to the witnesses in the course of the depositions.

3. The use of such Confidential Discovery Material by counsel identified in Paragraphs 1 and 2 shall only be in connection with the Krys Actions and the Arbitration and for no other purpose. The Protective Order of December 15, 2009 shall remain fully applicable to all Confidential Discovery Material unless expressly provided otherwise herein.


Dated: New York, New York
February 3, 2012

SO ORDERED:



Ronald Hedges
SPECIAL MASTER